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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,871	02/12/2004	Shaibal Roy	ID-494 (80215)	6107
27975 7590 07/24/2007 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			EXAMINER BHATIA, AJAY M	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 07/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/777,871	<b>Applicant(s)</b> ROY, SHAIBAL	
	<b>Examiner</b> Ajay M. Bhatia	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/12/07.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Response to Arguments***

Examiner has reviewed applicant's remarks addressing the rejection presented in the non-final action, and they fail to persuade the examiner. Applicant has written the claim using broad terminology, but is interpreting the claim narrowly in order to argue these features are different than the prior art. Examiner has relied upon applicant's specification to interpret the claims. The cited prior art anticipates the present claims, when read in light of the specification. It appears that applicant is interpreting the claim terminology very narrowly, but without providing any type of description of what the narrow interpretation is. Therefore the presented rejection is maintained.

Additionally applicant appears to argue features which are inherent to email system, that is why the examiner has provided an explanation of how email works. Applicant's distinctions over the prior art are currently not supported by the broad claim limitations.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Fenton et al.

(U.S. Patent Application Publication 2003/0193967) for clarification on how mail works please review (How stuff works, How E-mail works)

For claim 1, Fenton teaches, a communication system comprising:

a plurality of mobile wireless communication devices each comprising a respective software client using at least one of a plurality of different operating protocols as configuration commands and instructions for accessing electronic mail and data system to send at least on access request; (Fenton, paragraph 25, e-mail, paragraph 28, receive and send messages)

a plurality of data storage devices for storing data files, each data file being associated with a respective mobile wireless communication device, each data file having a unique identification (UID) associated therewith, and each data storage device using at least one of the plurality of different operating protocols; (Fenton, paragraph 51, UID, new message)

and a protocol interface device comprising

a protocol converter module for communicating with said plurality of mobile wireless communication device using respective operating protocols thereof, (Fenton, paragraph 52, IMAP and POP3)

and a protocol engine module for communicating with said plurality of data storage device using respective operating protocols thereof; (Fenton, paragraph 52, IMAP and POP3)

said protocol engine module also for polling said data storage device for UIDs of data files stored thereon, and for cooperating with said protocol converter module to provide UIDs for respective data files to said mobile wireless communication devices upon receiving access request therefrom, wherein said polling occurs without device initiated commands from said software clients whether there is or is not communication with a mobile wireless

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communications device to maintain UI's current to within a polling interval and reducing latency when communication occurs. (Fenton, paragraph 51, polling for new messages)

For claim 2, Fenton teaches, wherein said protocol engine module detects new data files stored on said data storage devices based upon UIDs thereof, and wherein said protocol engine module cooperates with said protocol converter module to (Fenton, paragraph 51, new message)

send alert notifications to respective mobile wireless communications devices upon detecting new data files therefor. (Fenton, paragraph 51, delivered)

For claim 3, Fenton teaches, wherein said protocol interface device further comprises a memory coupled to said protocol engine module for storing the UIDs. (Fenton, paragraph 51, MMC)

For claim 4, Fenton teaches, wherein said protocol engine module polls said data storage devices only for UIDs. (Fenton, paragraph 51, new message)

For claim 5, Fenton teaches, wherein said protocol engine module polls said data storage devices based upon a static polling interval. (Fenton, paragraph 100, periodic polling).

For claim 6, Cedola-Hoglund. teaches, wherein said protocol engine module polls said data storage devices based upon an adaptive polling interval. (Fenton, paragraph 100, base on criteria defined by the user or application)

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For claim 7, Fenton teaches, wherein said protocol converter module and said protocol engine module communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol. (Fenton, paragraph 52, IMAP and POP3)

For claim 8, Fenton teaches, wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol. (Fenton, paragraph 49, WebDAV)

For claim 9, Fenton teaches, wherein said plurality of data storage devices, said plurality of wireless mobile communications devices, and said protocol interface device process electronic mail (e-mail) messages. (Fenton, paragraph 47, user agent)

For claim 10, Fenton, teaches, further comprising a wide area network (WAN) connecting at least one of said wireless mobile communications devices with said protocol interface device. (Fenton, paragraph 62, WAN)

For claim 11, Fenton teaches, further comprising a wide area network (WAN) connecting at least one of said data storage devices with said protocol interface device. (Fenton, paragraph 62, WAN)

Claims 12-33 list all the same elements of claims 1-11, but in interface, method and medium, form rather than system form. Therefore, the supporting rationale of the rejection to claims 1-11 applies equally as well to claims 12-33.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AB



Jason Cardone  
Supervisor Patent Examiner  
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